

## Department of Homeland Security

## § 332.2

### § 331.2 Eligibility.

An alien enemy may be naturalized as a citizen of the United States under section 331 of the Act if:

(a) The alien's application for naturalization is pending at the beginning of the state of war, or the Service has granted the alien an exception from the classification as an alien enemy after conducting an investigation in accordance with § 331.3;

(b) The alien's loyalty to the United States is fully established upon investigation by the Service in accordance with § 331.3; and

(c) The alien is otherwise entitled to admission to citizenship.

### § 331.3 Investigation.

The Service shall conduct a full investigation of any alien enemy whose application for naturalization is pending upon declaration of war or at any time thereafter. This investigation may take place either prior to or after the examination on the application. This investigation shall encompass, but not be limited to, the applicant's loyalty to the United States and attachment to the country, state, or sovereignty with which the United States is at war.

### § 331.4 Procedures.

(a) Upon determining that an applicant for naturalization is an alien enemy, the Service shall notify the applicant in writing of its determination. Upon service of this notice to the applicant, the provisions of section 336(b) of the Act will no longer apply to such applicant, until that applicant is no longer classifiable as an alien enemy.

(b) Upon completion of the investigation described in § 331.3, if the Service concludes that the applicant's loyalty and attachment to the United States have been fully established, the application may be granted.

## PART 332—NATURALIZATION ADMINISTRATION

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AUTHORITY: 8 U.S.C. 1103, 1443, 1447.

### § 332.1 Designation of service employees to administer oaths and conduct examinations and hearings.

(a) *Examinations.* All immigration examiners are hereby designated to conduct the examination for naturalization required under section 335 of the Act. A district director may also designate other officers of the Service, who are classified at grade levels equal to or higher than the grade of the immigration examiners, to conduct the examination under section 335 of the Act, provided that each officer so designated has received appropriate training.

(b) *Hearings.* Section 336 of the Act authorizes immigration officers to conduct hearings under that section. A district director may designate the officers who are designated under paragraph (a) of this section to conduct hearings under section 336 of the Act.

(c) *Depositions.* All immigration officers and other officers or employees of the Service who are classified at grade levels equal to or higher than the grade of the immigration officers are hereby designated to take depositions in matters relating to the administration of naturalization and citizenship laws.

(d) *Oaths and affirmations.* All immigration officers and other officers or employees of the Service who are classified at grade levels equal to or higher than the grade of the immigration officers are hereby designated to administer oaths or affirmations except for the oath of allegiance as provided in § 337.2 of this chapter.

[56 FR 50494, Oct. 7, 1991]

### § 332.2 Establishment of photographic studios.

District directors shall after investigation recommend to the appropriate regional commissioner the establishment and operation of studios providing photographic services. The studios shall be operated by sponsoring organizations on a nonprofit basis solely

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for the benefit of persons seeking to comply with the requirements of the immigration and naturalization laws. Such studios must be in a building occupied by the Service and be conducted under the supervision of the district director. Each sponsoring organization shall submit an annual accounting of the conduct of each studio to the regional commissioner through the district director.

[51 FR 35628, Oct. 7, 1986. Redesignated and amended at 56 FR 50494, Oct. 7, 1991; 63 FR 12987, Mar. 17, 1998]

#### **§ 332.3 Instruction and training in citizenship responsibilities.**

(a) Headquarters and the field offices of the Service shall cooperate with appropriate authorities or organizations in the community to establish and maintain classes within, or under the supervision of, the public schools, for the purpose of preparing applicants for naturalization to accept the duties and responsibilities of citizenship. Service officers shall, whenever practical, visit such classes or otherwise provide necessary liaison with those authorities or organizations that are providing such educational preparation.

(b) Citizenship textbooks and other study materials are intended for the free use of applicants for naturalization who are enrolled in instructional courses in or under the supervision of the public schools as provided in paragraph (a) of this section. Such textbooks and other study materials shall be distributed by the regional offices of the Service to the appropriate representatives of the public schools upon their written and signed requests.

(c) Public school certificates attesting to the attendance and progress of enrollees shall be given favorable consideration by Service officers in determining the applicant's overall knowledge and understanding of the fundamentals of the history, principles, and form of government of the United States, and the applicant's ability to read, write, and speak the English language.

[56 FR 50495, Oct. 7, 1991]

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#### **§ 332.4 Cooperation with official National and State organizations.**

The Central Office and the field offices shall take steps to obtain the aid of and to cooperate with official National and State organizations in the Service's program of promoting instruction and training of applicants for naturalization for their citizenship duties and responsibilities. Similar action shall be taken in relation to duly accredited unofficial educational, social service, welfare, and other organizations having as one of their objects the preparation of applicants for naturalization for their citizenship duties and responsibilities.

[22 FR 9818, Dec. 6, 1957. Redesignated at 56 FR 50495, Oct. 7, 1991]

#### **§ 332.5 Official forms for use by clerks of court.**

(a) *Official forms essential to exercise of jurisdiction.* Before exercising jurisdiction in naturalization proceedings, the naturalization court shall direct the clerk of such court upon written application to obtain from the Service, in accordance with section 310(c) of the Immigration and Nationality Act, proper forms, records, booked, and supplies required in naturalization proceedings. Such jurisdiction may not be exercised until such official forms, records, and books have been supplied to such court. Only such forms as are supplied shall be used in naturalization proceedings. Where sessions of the court are held at different places, the judge of such court may require the clerk to obtain a separate supply of official forms, records and books for each such place.

(b) *Official forms prescribed for use of clerks of naturalization courts.* Clerks of courts shall use only the forms listed in § 499.1 of this chapter in the exercise of naturalization jurisdiction.

(c) *Initial application for official forms.* Whenever the initial application for forms, records, books and supplies is made by a State court of record, it shall be accompanied by a certificate of the Attorney General of the State, certifying that the said court is a court of record, having a seal, a clerk, and jurisdiction in actions at law or in equity, or at law and in equity, in which